

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

JOHN ROBERT PRINE,

Plaintiff,

v.

CASE NO. 17-3128-SAC

KEITH SCHROEDER,

Defendant.

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's motion for order waiving filing fees (Doc. #11). On September 22, 2017, the Court dismissed this matter for failure to state a claim for relief under 42 U.S.C. § 1983 (Doc. #7), and on October 25, 2017, the Court denied plaintiff's motion for reconsideration (Doc. #10).

Plaintiff describes himself as a "natural person" and broadly asserts that as such, he cannot be charged a fee for any action taken to exercise a constitutional right (Doc. #11, p. 1).

Congress enacted the federal in forma pauperis statute, 28 U.S.C. § 1915, to ensure access to the courts by persons financially unable to pay court fees. See *Coleman v. Tollefson*, ___ U.S. ___, 135 S.Ct. 1759, 1761 (2015). Section 1915(a)(1) permits the federal courts to "authorize the commencement ... of any suit ... without prepayment of fees" if a person submits an affidavit that shows he "is unable to pay such fees."

In the Prison Litigation Reform Act (PLRA), Pub. L. No. 104-134, 110 Stat. 321 (1996), Congress addressed the "sharp rise in prisoner litigation in the federal courts." *Woodford v. Ngo*, 548 U.S. 81, 84 (2006). In part, the PLRA modified 28 U.S.C. § 1915 to require

prisoners proceeding without the prepayment of fees to pay their filing fees in installments calculated upon the amount in their institutional financial accounts. 28 U.S.C. § 1915(b).

While this statute allows those prisoners who demonstrate that their financial resources are insufficient to prepay their filing fees to pay them in installments, it does not permit them to avoid the payment of statutory filing fees entirely. Plaintiff's motion is legally frivolous and must be denied.

IT IS, THEREFORE, BY THE COURT ORDERED plaintiff's motion for an order waiving the filing fee (Doc. #11) is denied.

IT IS SO ORDERED.

DATED: This 5th day of December, 2017, at Topeka, Kansas.

S/ Sam A. Crow
SAM A. CROW
U.S. Senior District Judge